

SENATE BILL 776

By Bunch

AN ACT to amend Tennessee Code Annotated, Title 40,
Chapter 35, Part 2, relative to agreed upon
criminal sentences.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-35-203, is amended by
designating the existing language of subsection (b) as (b)(1) and by adding the following new
(b)(2):

(2) Notwithstanding the provisions of subdivision (1), when a plea and sentence
is agreed upon by the district attorney general and the defendant, the district attorney
general shall include a copy of the defendant's complete criminal history to the fullest
extent it is reasonably available to the district attorney and submit it with the agreement
to the judge. If a criminal history is not available on the defendant, the district attorney
shall note on the plea agreement why one is not available, and if the defendant does not
have a criminal history, the agreement shall also note that fact. No judge may accept an
agreed upon plea and sentence unless the agreement also contains the defendant's
criminal history as provided by this subdivision.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it.